

REMARKS

Claims 1-38, 41-70, and 79-80 are canceled. Claim 39 is currently amended. Claims 40, and 71-78 were previously presented. New claims 81-100 are added. Accordingly, claims 39-40, 71-78, and 81-100 are pending examination.

Allowable Subject Matter

The Office Action indicates that claim 41 would be allowed if re-written in independent form. In response, the Applicant has amended claim 1 to include subject matter from claim 41.

The Office Action indicates that claim 72 would be allowed if re-written in independent form. In response, the Applicant has added independent claim 82 which includes subject matter from independent claim 1 and dependent claim 72.

The Office Action indicates that prior claim 80 would be allowed if re-written in independent form. In response, the Applicant has added independent claim 93 which includes subject matter from independent claim 1 and prior claim 80.

Statutory Double Patenting Rejection

The Office Action rejection claim 79 for statutory double patenting. However, claim 79 was previously canceled. Note that the first page of the Office Action does not list claim 79 as pending. As a result, the Applicant believes the rejection is in error.

Rejection of Claims 39-41, 71-78, and 80 for Non-Statutory Double Patenting

Claims 39-41 and 71-78, and 80 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 43-86 of co-pending Application No. 10/666,860 (the '860 application). In response, the Applicant submits a terminal disclaimer.

CONCLUSION

The Examiner is encouraged to telephone or e-mail the undersigned with any questions.



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